UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/C.12/1999/SR.30
23 November 1999

Original: ENGLISH

COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Twenty-first session

SUMMARY RECORD OF THE 30th MEETING*

Held at the Palais des Nations, Geneva,
on Tuesday, 16 November 1999, at 10 a.m.

Chairperson: Mrs. BONOAN-DANDAN

CONTENTS

CONSIDERATION OF REPORTS:

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT

Third periodic report of Bulgaria

* No summary record was prepared for the 29th meeting.

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the meetings of the Committee at this session will be consolidated in a single corrigendum to be issued shortly after the end of the session.

GE.99-45741 (E)

The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS:

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (agenda item 6)

Third periodic report of Bulgaria (HRI/CORE/1/Add.81; E/1994/104/Add.16; E/C.12/Q/BUL/1; written replies to the list of issues and additional statistics supplied by the Government of Bulgaria (documents without a reference number))

1. At the invitation of the Chairperson, the members of the delegation of Bulgaria took places at the Committee table.

2. The CHAIRPERSON welcomed the Bulgarian delegation and invited it to make an introductory statement.

3. Mr. DRAGANOV (Bulgaria) said that the third periodic report (E/1994/104/Add.16) had been drafted in 1994-1995, while the written replies to the list of issues (E/C.12/Q/BUL/1) had been prepared in 1998. They sought to reflect the current situation of economic, social and cultural rights in Bulgaria.

4. The Republic of Bulgaria had made it its mainstream policy to ensure, through legislation and practice, the effective overall protection of human rights and freedoms, and to provide for the interests and needs of the individual. The preamble of the Constitution adopted in 1991 proclaimed Bulgaria a social and constitutional State. Respect for and guaranteeing of fundamental economic, social and cultural rights determined State policy. He wished to draw attention to some of the factors that had affected the formulation of such policy during the reporting period.

5. Since the presentation of the first and second periodic reports in 1984 and 1987 respectively, radical political, economic and social changes had taken place in Bulgaria. The single-party system having been eliminated, conditions had been created for the development of political pluralism and the establishment of a modern, democratic State in which the rule of law prevailed. The new Constitution provided the legal foundations for a society based on the principles of democracy, political pluralism, law and order, and free enterprise. The replacement of a command economy by a free-market system had greatly improved opportunities for private and social initiative.

6. Although democratization had had a positive impact on the legal framework and conditions relevant to the exercise of fundamental economic, social and cultural rights, it had also posed serious problems for the State and citizens. A number of factors, including the collapse of eastern European economic integration, international sanctions, the crises in the former Yugoslavia and other financial restrictions, had taken their toll on the Bulgarian economy and its State enterprises. Since the process of privatization had initially been slow, foreign investment had been limited, the agrarian reform had not met with immediate success. As a

result, gross national product (GNP) and in particular the production levels of major economic sectors had reached an unprecedented low. For the first time Bulgaria had been confronted with problems such as unemployment, drug trafficking and high crime rates.

7. Notwithstanding the achievements of the period of transition, such as greater opportunities for the protection and realization of fundamental human rights, and, in particular, of economic, social and cultural rights, there were many unresolved problems. Such problems must be highlighted, not so as to justify the Government, but in order to account for some of the negative trends affecting the process of guaranteeing the economic, social and cultural rights of Bulgarian citizens and to explain the specific circumstances in which the Covenant was being implemented.

8. For a variety of reasons the preparation of the third periodic report had been started as early as 1994 but had been completed only in 1999. Naturally, during that five-year period considerable economic and social changes had taken place which affected the implementation of fundamental economic, social and cultural rights. Some of the information contained in the report, and even in the written replies, was therefore out of date. Important developments had occurred in 1999, the more significant of which were presented in the form of additional statistics, which were now available for consultation. Other relevant points would be dealt with in the course of the dialogue.

9. With regard to the general framework of the Covenant's implementation (section I of the list of issues), important achievements during the reporting period included the introduction of a legal defender of fundamental human rights and the recognition of the jurisdiction of the European Court of Human Rights in Strasbourg. It was expected that those measures would enhance the significance of the rights enshrined in the Covenant and the responsibility of State bodies for their implementation.

10. Non-governmental organizations (NGOs) dealing with human rights, including economic, social and cultural rights, had come to play an increasingly important role in recent years. The State ensured the necessary conditions for and encouraged the activities of such organizations. Some NGOs had contributed to the preparation of the report.

11. The CHAIRPERSON said it was the Committee's established practice to conduct its dialogue with delegations on the basis of the list of issues. Since the Bulgarian delegation had already dealt with section I of the list of issues in its introductory statement, she would invite Committee members to put questions on that section before the delegation proceeded with the next part of its introduction.

12. Mr. GRISSA noted that according to the demographic statistics contained in the core document (HRI/CORE/1/Add.81), between 1980 and 1995 there had been a decline in the population of Bulgaria of around half a million. Was that due to the forced migration of the ethnic Turkish minority in the 1980s or were other factors involved?

13. Mr. ANTANOVICH said that although in general he had been greatly impressed by the comprehensive nature of the written replies submitted by Bulgaria, not enough information had been provided in response to the affirmation in paragraph 4 of the list of issues that in practice

discrimination still existed against the Roma minority in respect of education, work and social benefits. In particular, he would welcome further details of any special measures taken to involve Roma children and their parents more closely in education.

14. Mr. RIEDEL said he welcomed the information provided in the written replies on the implementation and direct applicability of the Covenant in the Bulgarian legal system. A number of relevant cases had been listed - an example which other States parties would do well to follow. However, in response to the query about the adoption of an optional protocol to the Covenant, the Government had merely stated that it would in principle consider favourably the adoption of such an instrument. Regrettably, the response of States parties to the proposal for an optional protocol had not been as positive as the Committee had expected. Given that Bulgaria did not object to the idea, more information would be appreciated on the type of approach it favoured, for instance, one based on violations or alternatively a complaints procedure referring to the whole Covenant or to a limited number of provisions.

15. According to the written replies, the Covenant was directly applicable in domestic law and courts would take cognizance of its provisions. However, he wondered to what extent court judgements had referred directly to articles 6-8 or other specific rights enshrined in the Covenant, and asked for some illustrative examples.

16. Mr. CEAUSU said that in its written reply to the first question on the list of issues Bulgaria had referred to case law relating mainly to labour disputes. However, what the Committee really wanted to know was whether citizens could invoke the provisions of the Covenant in courts of law to defend their rights or to lodge a complaint against some entity or person. That was what was meant by the direct applicability of the Covenant in the domestic courts.

17. Mr. SADI said that since by virtue of article 5 (4) of the Bulgarian Constitution the Covenant was considered part of domestic legislation and was thus directly applicable in the courts of law, he failed to understand why Bulgaria merely favoured the idea of an optional protocol in principle. The fact that the Constitution could be invoked in the courts should present no obstacle to the adoption of such an instrument. Why, therefore, could Bulgaria not go one stage further and accept the idea of an optional protocol in absolute terms? As he had not seen the text of article 5 (4) of the Constitution, he requested the delegation to explain how exactly the Covenant had been rendered part of domestic legislation and thus directly applicable in the national courts of law.

18. Mr. THAPALIA noted that according to a number of sources, despite the fact that the new Constitution provided for individual rights, equality and protection against discrimination, in practice discrimination still existed, especially vis-à-vis women and the Roma minority.

19. In a report published in January 1998 by the Committee on the Elimination of Discrimination against Women it was claimed that no special laws had been passed to ensure de facto equality of women and that the Government had shown no commitment to introducing any measures along those lines in the near future. Had the transition from communism to a more democratic regime resolved the problem of discrimination and, if so, could the delegation provide substantiating evidence?

20. Mr. RATTRAY said that, in seeking a better understanding of the measures taken to enforce the rights enshrined in the Covenant, it was important to recognize that Bulgaria was undergoing an extremely difficult period of transition. In that connection, how did the delegation view the current macroeconomic reforms? Was it likely that society would eventually reap the benefits of such reforms and, if so, when? Or did the delegation harbour some suspicions that the course currently being followed might be flawed?

21. With regard to the incorporation of the Covenant in domestic legislation, the fact that the case law referred to in the written replies concerned only work-related rights implied that, in terms of justiciability, the Bulgarian Government might make some differentiation between the various rights enshrined in the Covenant. For instance, were the rights to housing, food and education considered as falling into a different category from work-related rights?

22. Lastly, did the Bulgarian Government regard the Covenant as an instrument which imposed obligations exclusively on the State, or as also conferring rights and imposing obligations on one citizen vis-à-vis another?

23. Mr. TEXIER, noting the reference in the written replies to the broad participation of NGOs in the preparation of the third periodic report, sought details of the consultation process. Had the NGOs in question been consulted before or after the drafting of the report? He also welcomed the indication that the report and the Committee's concluding observations thereon would be publicized: it was important for the Committee to know that its dialogue with States parties and any recommendations made as a result would be properly followed up.

24. Mrs. JIMÉNEZ BUTRAGUEÑO welcomed the news of the introduction of a human rights defender and requested more information on the subject. She also asked whether there were any special programmes to ensure equal rights for the Roma minority, in particular with regard to the education of Roma children.

25. Mr. HUNT said that mention had been made in paragraph 33 of the core document of a standing commission on human rights set up by the National Assembly. National human rights institutions had a central role to play in the protection of human rights. He would therefore welcome information as to whether any such institutions existed in Bulgaria; whether their mandates extended to economic, social and cultural rights, and whether they needed to be further strengthened.

26. The CHAIRPERSON said that in view of the number of questions raised, the Bulgarian delegation might wish to answer the questions relating to discrimination at a later stage in the proceedings.

27. Mr. DRAGANOV (Bulgaria) said that the decline in the population of Bulgaria was not attributable to the exodus of ethnic Turks under the pre-1989 regime. Most of the people forced to flee the country during that period had since returned, had had their property restored to them, and had secured political representation. Bulgaria currently had the highest negative population growth in Europe, owing mainly to the unfavourable economic climate.

28. Mrs. SREDKOVA (Bulgaria) said that article 5 (4) of the Bulgarian Constitution provided that the Covenant and other international instruments to which Bulgaria was a party should be promulgated as part of domestic law. In the event of a conflict of laws, the international instruments would prevail. The Covenant, which had thus become an integral part of Bulgarian law, not only placed obligations on the State to establish the conditions for its implementation, but also endowed citizens with direct rights. The infrequency with which the international instruments had been directly cited could be attributed to the lack of experience of Bulgarian judges, who often invoked Bulgarian law instead of the Covenant. However, changing a way of life was not enough. Ordinary citizens must also change their attitudes, a process that took time.

29. Many NGOs had been invited to contribute to the preparation of the report, and a few had responded. Questionnaires had been sent to the most representative trade unions and other bodies, including the National Commission for Human Rights and the Democratic Women's Union. Some of their comments had been incorporated in the report, which had been submitted to 17 NGOs with an invitation to attend a meeting to discuss it late in 1995. Some had participated actively in that discussion.

30. Unfortunately, many of the NGOs represented at the current session of the Committee had been unaware of the process, some of them having been established as recently as 1998. The existence in Bulgaria of over 200 foundations and more than 90 political parties had made the selection of those most suitable for participation in the drafting of the report a difficult task. In any event, the Government would transmit a copy of the report, as well as the Committee's comments, to all such organizations and would also publicize them through the media. Preparations were under way for the establishment of an Economic and Social Council and a National System for Trilateral Cooperation on social, economic and cultural matters. The latter would comprise representatives from all sectors of society, including NGOs, in the hope that they would contribute to the social dialogue as the most effective means of promoting economic, social and cultural rights.

31. The delegation would reply to the questions on discrimination against women and the rights of the Roma minority in its detailed information on the implementation of the various rights. In view of the reservations it continued to entertain in that regard, questions concerning the additional protocol would also be addressed later.

32. Mr. CEAUSU said that while he accepted the accuracy of the written reply to question 4 of the list of issues, to the effect that there was no intentional discrimination against the Roma and other ethnic minorities in the fields of work and education, it appeared that their exercise of those rights was curtailed by the very fact of their minority status. Further, the claim that the authorities had received no complaints of alleged discrimination with regard to payment of social benefits did not constitute proof of non-discrimination. The authorities needed to determine whether the Roma or other ethnic minorities had cause for complaint and whether, owing to their background, they might fail to receive all benefits due to them. He would be grateful if the delegation would provide figures to support the claim that the Roma were the group that received the highest social assistance benefits. Could minority groups not lose out through mere ignorance of the required procedure, illiteracy or other deficiencies?

33. While the police appeared to have cracked down on racial violence, paragraph 5 of the written reply to question 4 appeared to reject the Committee's request out of hand. To the best of his knowledge, in all democratic countries, the Ministry of the Interior and the Public Prosecutor's Office drafted the section of the report dealing with the crime rate. He wondered why no racial breakdown of acts of violence had been provided in Bulgaria's report. Parliament, as the supreme authority, could surely have commissioned the requisite figures from the Ministry of the Interior. It was not the Government, but the Bulgarian State - and all the branches of government - that was a party to the Covenant. Could the authorities be invoking the separation of powers as an excuse for shirking their responsibility to ensure the implementation of those rights? Sound statistics were required in order to ensure that the State lived up to its obligations under the Covenant and investigated acts of violence stemming from racial discrimination or prejudice.

34. Mr. SADI confessed himself confused as to the status of the Covenant, since article 5 (4) of the Constitution had not been directly tested vis-à-vis the Covenant in the courts. Had the provisions of the Covenant actually been incorporated into domestic law, or were they simply reflected therein?

35. Mr. HUNT requested a response from the delegation to his questions concerning national human rights institutions.

36. Mr. AHMED praised the frankness of the delegation's presentation of the report. Echoing Mr. Rattray's question, he said the delegation had pinpointed rampant unemployment, drug trafficking and criminality as being among the causes of Bulgaria's problems, but had failed to mention Bulgarians' disillusionment with what they viewed as an excessively rapid restructuring process. In corroboration of a recent letter in the International Herald Tribune which had made reference to elderly women scavenging for food in dustbins, he cited United Nations Development Programme (UNDP) statistics showing that 30 per cent of Bulgarian households were hard put to meet their most basic needs. How, in those circumstances, could the authorities hope to fulfil their Covenant obligations of ensuring enjoyment of economic, social and cultural rights? That raised the question of the Government's attitude to the alternatives before it: full-speed restructuring and the increased agony it entailed, or a more gradual process aimed at addressing its citizens' social needs.

37. Mrs. JIMÉNEZ BUTRAGUEÑO called for more information concerning the social security problems faced by retired persons and old-age pensioners. She would also like to learn more about the role of the new "legal defender".

38. The CHAIRPERSON requested the delegation to provide more precise oral answers so as to reduce the need for supplementary questions.

39. Mr. DRAGANOV (Bulgaria), replying to Mrs. Jiménez Butragueño's questions, said that the post of ombudsman would shortly be created, but was still under discussion in Parliament and within society as a whole. Retirees' pensions also naturally depended on the State's economic health. In response to questions from Mr. Rattry and Mr. Ahmed, he said the

authorities had no intention of slowing the restructuring process in order to cater to individual rights, which would be addressed through the reform. Many post-1989 Governments had adopted the stance of gradual reform rather than shock therapy, with disastrous results. He could, however, see light at the end of the tunnel, in 5 to 10 years' time.

40. The situation described in the letter in the International Herald Tribune was accurate. The only options open to the authorities had been democratization or a continuation of previous policies. The economic situation was also influenced by International Monetary Fund (IMF) requirements. Citizen disenchantment was a direct consequence of the high social expectations and standards of care Bulgarians had come to expect.

41. The fact that half the Bulgarian population was of retirement age placed immense pressure on the State budget. Despite the continued restructuring, the party in power had earned 45 per cent of the vote in recent local elections.

42. Mrs. SREDKOVA (Bulgaria) said the delegation would reply to questions concerning the additional protocol and other human rights organizations at the following meeting.

43. Mr. WIMER ZAMBRANO requested the delegation to expand on its repeated references to the deterioration in Bulgaria's situation occasioned by the war in neighbouring Yugoslavia.

44. Mr. DRAGANOV (Bulgaria) said that exports were vital to Bulgarian prosperity. Although the export trade to the east continued, the importing countries, themselves suffering economic problems, were spending less. Trade with Europe, which had formerly taken 60 per cent of Bulgarian exports, had been almost completely blocked, first by the sanctions imposed on Yugoslavia and secondly by disruption of communications via the Danube. The resulting upward pressure on export prices had meant that the whole of the economy suffered. Any improvement in the national income through internal consumption would demand foreign investment, which tended to be risk-averse. The specific effect of the war in Yugoslavia on the transportation sector alone might be likened to the effect that a closure of the border with the United States would have on Mexico.

45. The CHAIRPERSON said that a number of questions relating to section I - concerning the optional protocol, the applicability of the Covenant in the Bulgarian courts, the role of the ombudsman, and whether the mandate of the national human rights institutions included economic, social and cultural rights - remained unanswered. She invited the representative of Bulgaria to continue with that part of his statement relating to section II - general provisions.

46. Mr. DRAGANOV (Bulgaria) said that guaranteeing equality of economic, social and cultural rights for all its citizens was one of his Government's highest priorities. The prohibition of discrimination, which was a principle of the Constitution, was set forth explicitly in the basic legal texts in that field. As a rule, the principle was also applied in practice. Attention was drawn, in the additional material provided, to a number of special international and national programmes in that connection. The reasons for the few violations that were reported had already been explained. There had recently been further changes. The Government and NGOs had started to carry out measures that would guarantee more effectively the right to education of the different ethnic groups and social sectors of the population. A project was under way, to

keep such children, who were by law subject to compulsory education in school. The project had been implemented in schools where the children belonged to different ethnic groups and where Roma children predominated. Further projects were aimed at appointing Roma tutors in Bulgarian schools where there were significant numbers of Roma children.

47. In 1999, the National Centre on Health Services had begun research into resolving specific health problems of the different ethnic groups. The objective was to study those problems and outline the necessary steps for improvement. Progress had also been made in respect of refugees. The draft Refugee Act mentioned in paragraph 6.1 of the written replies had now been adopted by the National Assembly and had been in force since 1 August 1999. The Act laid down the procedure for granting refugee status, and provided the persons granted such status with rights that were equal in principle to those of Bulgarian citizens. A special decree on the education of refugees in Bulgarian schools was currently being finalized.

48. The problem of providing equal rights for men and women was crucial to Bulgarian society. National legislation adhered strictly to that principle. There were, however, certain gaps in that respect, such as failures to provide equal pay for equal work, the absence of protection against sexual harassment in the workplace, and so on. A number of the difficulties encountered in adhering to the principle of gender equality were noted in the report. In addition, not all women were aware of their economic, social and other rights. There was insufficient scientific research into the situation and problems of women in society, the family, the workplace and other spheres. Those issues were under discussion in Bulgaria and measures to address them were being mapped out.

49. Mr. SADI said he had been struck by the statement, in paragraph 4.1 of the Bulgarian responses to the list of issues, that Turks, and Roma especially, did not place particular emphasis on obtaining higher education, and that the lower educational level resulting from that attitude put them at an economic and social disadvantage. In addition, it was stated that the housing and living conditions of Roma tended to be below the average for the country, the reason given being that they tended to have large families. Those unfavourable living conditions, together with inadequate nutrition and hygiene, were said to be among the main causes of their relatively worse state of health. Clearly, affirmative action was required to reverse those trends, encouraging emphasis on higher education and convincing the Roma of the advantages of smaller families. There were of course limits on the Government's power to act, but it should address the reasons for the unsatisfactory condition of the Turkish and Roma population, not simply remark upon them.

50. Mr. ANTANOVICH referring to an earlier remark by Mr. Ahmed, said that the problems of the countries in transition in central and eastern Europe were due not so much to their unpopular Governments as to the fact that the old centrally-planned system of production had fallen apart long before a new system had been created. Governments could not slow down and cater more to the needs of their populations, simply because there was nothing to cater with.

51. The report acknowledged that there was a certain inequality of opportunity between men and women. Nevertheless, there was no adequate programme for solving the problem of unemployment among women and other vulnerable groups, or indeed the problem of unemployment at large. Paragraph 14.3 of the replies referred to a few initiatives for providing

employment, such as the preparation, with technical assistance from the World Bank, of methodological materials for the professional training of disadvantaged groups, and financial incentives for private employers who hired certain categories of the unemployed. What was needed was a national governmental programme of job creation, of the kind put in place elsewhere in Europe.

52. Mr. WIMER ZAMBRANO said that the sort of vicious cycle described in regard to the education of minorities in Bulgaria was common to most countries with minorities, even where ample resources existed for solving the problem. He took it that the people officially referred to as Roma were still generally known as Gypsies in everyday parlance. One of the most complex problems in education, under study in various international organizations, was that of schooling for travelling people, not in the sense of settling them but rather of providing for their educational needs as travellers. He asked whether there was any programme in Bulgaria, or if any special measures were taken, to satisfy the educational needs of school-age travellers.

53. Mr. TEXIER had a question about the condition of refugees and asylum-seekers. He understood that the Convention relating to the Status of Refugees had been incorporated in domestic legislation and that a number of decrees had been adopted on the status of refugees and the employment of foreign citizens. From material provided by the Office of the United Nations High Commissioner for Refugees (UNHCR), it appeared that there had been a large increase in the number of refugees between 1998 and 1999. The body which ruled on refugee status in Bulgaria was the Bureau of National Asylum and Refugees. However, it did not appear to possess the legal powers or the financial means to work satisfactorily. Poorly paid and too few staff meant that it took a long time to grant asylum-seekers refugee status. Paragraph 6.1 of the replies stated that, if it took more than three months to arrange refugee status, the persons involved could be issued with permits for temporary work. In practice, however, the position was very complicated and very few refugees had access to work before receiving such status.

54. Another problem of concern to UNHCR was the lengthy detention of asylum-seekers at Sofia airport. They were kept for a long time in the transit area where basic conditions for food and sanitation were lacking. He asked whether there was any plan to improve conditions or to speed access to refugee status.

55. Mr. GRISSA wondered why, after 40 years of communist rule, during which there was said to have been no discrimination in education, minority parents should be accused of not wanting education for their children. Had the communist authorities failed to change the parents' mentality and had the situation reverted to what it was before communist rule? To place the responsibility on the parents was to abandon the State's fundamental duty to protect vulnerable groups of the population and prepare them for life. The State must play a role. Was education not compulsory for all?

56. Mr. RATTRAY said that, according to the report, 57 per cent of professional and technical positions in the public sector were held by women and 61.9 per cent of the population in higher education were women. He asked whether the attitudes which had fostered that achievement were changing with the move to privatization. What was the position of women in the private sector?

57. Mr. AHMED said that, according to figures provided, 91 per cent of Roma citizens of Bulgaria were unemployed, living on the proceeds of theft, begging and prostitution. Thirty per cent of crime was attributed to the Roma, who accounted for 90 per cent of the prison population. Under communism, the Roma had been forced to settle and given jobs. By 1999, all that had changed, with welfare payments being stopped, leading to hunger strikes and waves of protest. Roma had been subjected to discrimination and violence and the police had not defended them. In 1998, the Government had announced a plan to study ways of improving their status and promoting their development. Had that project now been established and, if not, what prospect had they of receiving assistance?

58. Mr. DRAGANOV (Bulgaria) said he was glad to learn that the vicious cycle in respect of the education of minorities was not a problem in Bulgaria alone. The situation there seemed somewhat paradoxical; for education was compulsory for every child up to the age of 16, and the literacy rate was between 98 and 99 per cent, one of the highest in Europe, yet certain groups in society did not value higher education. In part, the blame for that could be attributed to the former regime, whose ideology had been based on the working class. The relative attractiveness of working-class jobs in terms of pay, as against work that required higher educational qualifications, was a lingering reflection of the Soviet era. He hoped that current conditions and attitudes would change.

59. In response to the question raised about the name given to the Roma, he confirmed that they continued to be known as Gypsies in common parlance. Around 170 Roma organizations had taken part in the programme recently established for that group. The programme was in the initial stages of its implementation. The refugees at Sofia airport constituted a major problem: the airport was in need of large-scale investment and the refugees were shortly to be moved to buildings specially constructed for them.

60. Mrs. SREDKOVA (Bulgaria) said that statistics were available on the number of women employed in regional and municipal administrations, many of whom occupied high-level positions. Most senior posts in health care and education were also occupied by women.

61. Mr. GANTCHEV (Bulgaria) said that the Director of the National Demographic and Ethnographic Council had confirmed that the Roma had participated actively in the preparation of the programme devoted to them. In response to the question raised regarding refugees, he said that Bulgaria had recently adopted a new refugee law which had been very positively assessed by UNHCR and the International Organization for Migration (IOM). Refugees had been granted the right of reunification with older members of their families and were entitled to social benefits. Their access to the labour market was limited in practice as a result of language and training considerations; they were nevertheless able to set up their own businesses. Refugee children received State support in organizing their education. A further positive step had been the signing of a cooperation agreement with IOM. Finally, a new agency for refugees had recently been established.

62. Mr. GRISSA asked from which countries the majority of refugees came.

63. Mr. ANTANOVICH said that the continuous movement of hundreds of thousands of Roma posed an economic and social problem for all central European countries. More

information would be appreciated on the issue of the status of women. Was the high drop-out rate of girls from secondary education considered to be a problem? Why was the percentage of unemployed graduates so high? Was there a national government programme designed to help women returning to work after maternity leave?

64. Mrs. JIMÉNEZ BUTRAGUEÑO requested more information on the new law on refugees. Had the new law led to improvements in their situation?

65. The CHAIRPERSON remarked that no reply had been given to Mr. Ceausu's question on social benefits for the Roma.

66. Mr. GANTCHEV (Bulgaria) said that his country was not normally perceived as having problems in relation to its treatment of the Roma population. In fact, its new programme had received a lot of positive attention. The majority of refugees came not from the former Yugoslavia, but from Afghanistan and Iraq. There were about 3,000 in total. A short summary could be provided of the new law on refugees.

67. Mr. DRAGANOV (Bulgaria), turning to section III of the list of issues, said that the right to work was one of the traditionally recognized values in the Bulgarian social and legal system. The changes made in the past few years had been determined by the radical transformation of the country's economy. That transition had given rise to the previously unknown phenomenon of unemployment. The rapid pace of change in the labour market meant that some of the information provided in the report was in need of updating. Thus, in July 1999 the employment coefficient had been 43.1 per cent, compared to 45.3 per cent in July 1998 and 43.5 per cent in September 1993. Unfortunately, young people had only limited prospects of finding jobs. The proportion of unemployed women remained high: for the first eight months of 1999, that figure had stood at 53.5 per cent, compared to 54.4 per cent in 1998. There had also been an increase in the proportion of the unemployed with no professional qualifications, and the section of the workforce with the lowest levels of education remained the most vulnerable to economic reforms. The number of unemployed persons registered for more than one year also remained high. The situation was exacerbated by the fact that the number of unemployed entitled to compensation and allowances had decreased from 35.1 per cent in 1993 to 29.2 per cent in 1999. The regional unemployment statistics were more stable, and were lowest in the capital.

68. On a more positive note, the legal basis for regulating the labour market had been improved with the adoption of the Laws on Regional Development, Cultural Development, Additional Pension Insurance, Professional Education and Training, and the amendments to the Unemployment Protection and Employment Promotion Law. It was also planned to increase the number of people entitled to unemployment benefit and to reduce social insurance contributions.

69. The implementation of new national programmes for the promotion of employment had continued. A national programme for temporary employment in socially useful activities, and a programme to provide additional vacancies and temporary employment for the unemployed in environmental and forestry enterprises had alleviated the situation of many hundreds of people in

various municipalities. Finally, in a specially designed programme, almost 2,000 former military staff had received individual or group training to ease their reintegration into the labour market. The Quick Start programme, financed by the United States State Department of Labor, also provided professional education focused on employers' needs.

70. Further employment promotion programmes had been launched. A notable example was the "start-your-own-business" programme, which aimed to assist the successful initiation of independent economic activities through involvement in suitable training courses. Regional programmes took into account structural reform, the various initiatives in the National Development Plan and the state of the local economy.

71. By contrast, no particular changes had been introduced in labour conditions, such as working hours, leave and remuneration, since the preparation of the report. However, new amendments to the Labour Code were being prepared, granting the parties to a labour agreement the freedom to determine its content and providing more efficient guarantees for the protection of all workers and officials.

72. The process of strengthening trade unions and employers' organizations had continued. The recently adopted Civil Servants Act, the Defence and Armed Forces of the Republic of Bulgaria Act and the Interior Ministry Act contained provisions on the right of participation in professional unions for the personnel concerned. Although all three categories of officials were deprived of the right to strike, other voluntary methods of settling collective labour disputes were envisaged. Serious efforts were being made to promote social dialogue, with preparations under way for the establishment of an Economic and Social Council and a National System for Trilateral Cooperation.

73. Mr. CEVILLE said that a question had been raised regarding the extent to which Bulgaria had taken into account the observations of the International Labour Organization (ILO) Committee of Experts on the Application of Conventions and Recommendations in relation to Convention No. 111: Discrimination (Employment and Occupation), 1958. In its reply the Government had indicated that there were certain groups of citizens, for example the Roma and those of Turkish origin, who had been subject to particular attention owing to the seriousness of their situation in the context of the transition to a market economy. He wished to know what that particular attention had entailed. Secondly, in 1996 a United States State Department report on discrimination against minorities in the workplace had observed that discrimination continued to be a particular problem for the Roma people in Bulgaria, and that employers justified such tactics by referring to the low level of training and education of the majority of Roma. Did that situation persist? If not, how had the problem been solved?

74. Mr. TEXIER, referring to the issue of unemployment, noted that the number of people out of work in Bulgaria continued to increase. Of particular interest were the categories of young people and the long-term unemployed. What specific measures had been taken to aid young people? Since the long-term unemployed were particularly vulnerable, an indication should be given of whether any special assistance had been offered to them.

75. The replies to the list of issues gave no clear idea of the level of the minimum wage in Bulgaria. Such a wage should enable a decent standard of living to be attained. However,

despite the fact that figures had been cited in the replies, there was no indication of individuals' purchasing power. Furthermore, it was not clear whether the increase in unemployment was the result of inflation or was caused by another specific factor.

76. As regards the right to strike, the ILO Committee on Freedom of Association had interpreted the Collective Labour Disputes Act as indicating that a majority of all workers within an enterprise or unit must take a decision to strike in order for a strike to be legal. That was clearly not in conformity with generally accepted norms. The same Act stated that health, electrical and communications workers were denied the right to strike. The situation should be clarified, given that States were usually requested to impose only minimal restrictions on the right to strike, affecting only police, army and prison personnel. In the light of the Act, it did not appear that workers were genuinely able to assert their entitlement to adequate legal, social and occupational protection.

77. Mr. CEAUSU expressed his concern at the statement in the written replies that the number of unemployed with the right to benefits had fallen from 49.7 per cent in 1991 to 23.3 per cent in 1998, and that the number of unemployed receiving "pecuniary unemployment assistance" had also fallen to 0.7 per cent. In the light of those two statements, the system of unemployment benefit should be explained in more detail. Did a mechanism of employee contributions exist? Reference had also been made in the country report to monthly social aid. To understand what that represented, it should be clearly stated how many people actually received it.

78. The whole purpose of a minimum wage was to guarantee employees a decent standard of living. Yet the extremely low minimum wage set merely encouraged employers to pay the lowest possible wages. That was the opposite of what had been originally intended, and the authorities needed to rethink the whole system in order to guarantee the fulfilment of its objectives.

79. Mr. WIMER ZAMBRANO noted that in Bulgaria trade unions were forbidden to take part in political activities and could be dissolved if they promoted political objectives. Since such objectives were pursued in all democratic countries, how was the right to strike regulated in practice? What general rules applied and which authorities took the decision to forbid strikes whose objectives were considered to be political?

The meeting rose at 1 p.m.